

16348

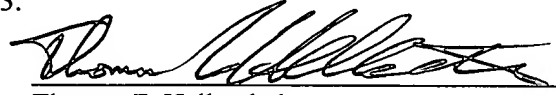
PATENT
Attorney Docket No. EXT-026
(2457/23)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Shuber
SERIAL NO.: 09/545,162 GROUP NO.: 1634
FILING DATE: April 7, 2000 EXAMINER: Switzer, J.
TITLE: Methods For Detecting Nucleic Acids Indicative of Cancer

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of November 2003.


Thomas F. Hellenthal

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

1. Transmittal Form (1 pg.)
2. Fee Transmittal (1 pg.)
3. Check in amount of \$180.00
4. Supplemental Information Disclosure Statement (2 pgs.);
5. Form PTO 1449 (3 pgs.);
6. Copies of references A118-A128, B112-B117, and C178-C181; and
7. Return Receipt Postcard.



TRANSMITTAL FORM

Application Serial Number	09/545,162
Filing Date	April 7, 2000
First Named Inventor	Shuber
Group Art Unit	1634
Examiner Name	Switzer
Attorney Docket No.	EXT-026
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Amendment/Response with Declaration attachment <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____] <input type="checkbox"/> Petition for Extension of Time <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations A118-A128, B112-B117, C178-C181 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Copy of Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Copy of Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above		

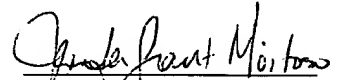
CORRESPONDENCE ADDRESS

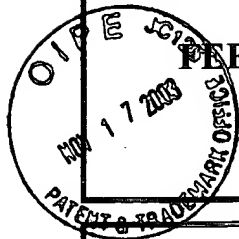
Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibeault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

Date: November 13, 2003
Reg. No. 51,752
Tel. No.: (617) 310-8423
Fax No.: (617) 248-7100

Respectfully submitted,


Jennifer Grant Moitoso
Attorney for Applicant(s)
Testa, Hurwitz & Thibeault, LLP
High Street Tower
125 High Street
Boston, MA 02110



FEE TRANSMITTAL
FY 2003

Complete if Known

Application Serial Number	09/545,162
Filing Date	April 7, 2000
First Named Inventor	Shuber
Group Art Unit	1634
Examiner Name	Switzer, J.
Attorney Docket No.	EXT-026

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.
3. ☐ Applicant claims small entity status.

FEE CALCULATION

1. FILING FEE

Large Entity

Fee (\$)	Fee Description	Fee Paid
750	Utility filing fee	
330	Design filing fee	
160	Provisional filing fee	

Number Filed	Number Extra	Rate	Amount
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Total Claims - 20 = x \$ 18.00 =

Independent Claims - 3 = x \$ 84.00 =

☐ Multiple Dependent Claim(s), if any \$280.00 =

TOTAL:

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$) 0.00

2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
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Total - = x \$ 18.00 =

Indep. - = x \$ 84.00 =

☐ First Presentation of Multiple Dep. Claim + \$280.00 =

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$)0.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
410	205	Extension for reply within second month	
930	465	Extension for reply within third month	
1450	725	Extension for reply within fourth month	
1970	985	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	180.00
750	375	Filing a submission after final rejection (37 CFR 1.129(a))	
750	375	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
110	55	Submission of Terminal Disclaimer	
Other fee (Specify)			
Other fee (Specify)			

SUBTOTAL (3) (\$) 180.00

SUBTOTAL (1) 0.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 180.00

TOTAL (\$) 180.00

CORRESPONDENCE ADDRESS

Direct all correspondence to:
Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower-125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

Date: November 13, 2003
Reg. No.: 51,752
Tel. No.: (617) 310-8423
Fax No.: (617) 248-7100

Respectfully submitted,

Jennifer Grant Mbitoso
Attorney for the Applicants
Testa, Hurwitz & Thibault, LLP
High Street Tower - 125 High Street
Boston, MA 02110



PATENT
Attorney Docket No. EXT-026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Shuber
SERIAL NO.: 09/545,162 GROUP NO.: 1634
FILING DATE: April 7, 2000 EXAMINER: J. Switzer
TITLE: Methods for Detecting Nucleic Acids Indicative of Cancer

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, OR

11/20/2003 SSESHE1 00000010 09545162

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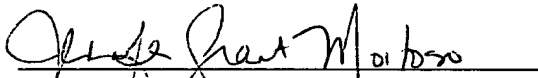
- ☒ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein,
or
- ☐ (3) after the mailing date of a **final action or notice of allowance** but before the
payment of the **issue fee, AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included
herein.

It is respectfully requested that each of the patents and publications listed on the attached
Form PTO-1449, and other information contained herein, be made of record in this application.

Respectfully submitted,

Date: November 13, 2003
Reg. No. 51,752

Tel. No.: (617) 310-8423
Fax No.: (617) 248-7100


Jennifer Grant Moitoso
Attorney for Applicants
Testa, Hurwitz, & Thibeault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110



FORM PTO-1449 SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT				ATTORNEY DOCKET NO.: EXT-026 APPLICANT(S): Shuber SERIAL NO.: 09/545,162 FILING DATE: April 7, 2000 GROUP: 1634			
U.S. PATENT DOCUMENTS							
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A118	2001/0039012	11/08/01	Lapidus	435	6	12/26/00
	A119	2001/0042264	11/22/01	Sloan et al.	4	315	3/13/01
	A120	2002/0001800	01/03/02	Lapidus	435	6	6/15/99
	A121	2002/0004201	01/10/02	Lapidus et al.	435	6	12/20/00
	A122	2002/0040498	04/11/02	Sloan et al.	4	315	12/17/01
	A123	2002/0045183	04/18/02	Shuber et al.	435	6	8/27/01
	A124	2002/0048752	04/25/02	Lapidus et al.	435	6	11/17/99
	A125	2002/0064787	05/30/02	Shuber et al.	435	6	6/18/01
	A126	2002/0123052	09/05/02	Laken	435	6	6/18/01
	A127	6,228,596	05/08/01	Macina et al.	435	6	9/1/00 (102(e))
	A128	6,586,177	07/01/03	Shuber	435	6	12/7/99

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EXAMINER	DATE CONSIDERED
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FORM PTO - 1449 SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT					ATTORNEY DOCKET NO.: EXT-026 APPLICANT(S): Shuber. SERIAL NO.: 09/545,162 FILING DATE: April 7, 2000 GROUP: 1634				
FOREIGN PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG Y/N
	B112	WO 99/45147	09/10/99	PCT			02/17/99		Y
	B113	WO 99/60160	11/25/99	PCT			05/12/99		Y
	B114	WO 99/60161	11/25/99	PCT			05/12/99		Y
	B115	WO 99/60162	11/25/99	PCT			05/12/99		Y
	B116	WO 03/071252	08/28/03	PCT			02/18/03		Y
	B117	WO 03/044217	05/30/03	PCT			11/20/02		Y

2700304

EXAMINER	DATE CONSIDERED
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FORM PTO - 1449		ATTORNEY DOCKET NO.: EXT-026
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT		APPLICANT(S): Shuber
		SERIAL NO.: 09/545,162
		FILING DATE: April 7, 2000 GROUP: 1634
OTHER ART, JOURNAL ARTICLES, ETC.		
EXAM. INIT.		OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)
	C178	Böhm et al. (1997), "Deletion Analysis at the <i>DEL-27</i> , <i>APC</i> and <i>MTS1</i> Loci in Bladder Cancer: LOH at the <i>DEL-27</i> Locus on 5p13-12 is a Prognostic Marker of Tumor Progression," <u>Int. J. Cancer (Pred. Oncol.)</u> , 74:291-295.
	C179	Hickman et al. (1994), "Apoptosis and cancer chemotherapy," <u>Phil. Trans R. Soc. Lond.</u> , 345:319-325.
	C180	Kawakami et al. (2000), "Hypermethylated APC DNA in Plasma and Prognosis of Patients with Esophageal Adenocarcinoma," <u>Journal of the National Cancer Institute</u> , 92(22):1805-1811.
	C181	Ko et al. (1999), "Genomic Instability and Alterations in <i>Apc</i> , <i>Mcc</i> and <i>Dcc</i> in Hong Kong Patients with Colorectal Carcinoma," <u>Int. J. Cancer (Pred. Oncol.)</u> , 84:404-409.

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EXAMINER	DATE CONSIDERED
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